

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CITY OF GREENSBURG,)
Plaintiff,)
vs.) No. 2:15-cv-00480-TFM
KEITH MAYDAK,)
Defendant.)

PLAINTIFF'S MOTION FOR REMAND

AND NOW, comes the Plaintiff, the City of Greensburg, by and through its counsel, Bernard T. McArdle, to file the within Plaintiff's Motion for Remand, and respectfully represents the following, to wit:

1. On March 10, 2015, the City of Greensburg ("Greensburg") filed a civil Complaint in the Court of Common Pleas of Westmoreland County, Pennsylvania, at No. 1246 of 2015, alleging that Keith Maydak ("Maydak") owns real estate in Greensburg having a dwelling thereon that, due to its dilapidated condition, violates Greensburg's property maintenance code.

2. Greensburg seeks equitable relief in the form of an order directing Maydak to abate the violations or, alternatively, directing him to demolish the structure or, alternatively, authorizing Greensburg to demolish the structure and to enter judgment against Maydak for the cost of demolition.

3. The Complaint was served March 13, 2015.

4. On April 10, 2015, Maydak filed a Notice of Removal based upon 28 U.S.C.A. § 1332(a).
5. There is no diversity of citizenship.
6. The amount in controversy, if any, does not exceed \$75,000.
7. There is no substantial federal question presented in Greensburg's action.
8. This Court lacks jurisdiction over Greensburg's action.
9. The within action should be remanded to the Court of Common Pleas of Westmoreland County, Pennsylvania, pursuant to 28 U.S.C.A. § 1447(c).

WHEREFORE, the City of Greensburg prays your Honorable Court to remand this action to the Court of Common Pleas of Westmoreland County, Pennsylvania.

Stewart, McArdle, Sorice, Whalen,
Farrell, Finoli & Cavanaugh, LLC

By s/ Bernard T. McArdle
Bernard T. McArdle
Attorney for City of Greensburg

229 South Maple Avenue
Greensburg, PA 15601-3242
(724) 838-1016, ext. 10
bmcardle@greensburglaw.com
PA I.D. No. 33209

CERTIFICATE OF SERVICE

I certify that I did serve a copy of the foregoing document upon the following by first class U.S. mail, postage prepaid, this 21st day of April, 2015:

Keith Maydak
93 South Jackson Street, #7480
Seattle, WA 98104

Stewart, McARDLE, Sorice, Whalen,
Farrell, Finoli & Cavanaugh, LLC

By s/ Bernard T. McARDLE
Bernard T. McARDLE
Attorney for City of Greensburg

229 South Maple Avenue
Greensburg, PA 15601-3242
(724) 838-1016, ext. 10
bmcardle@greensburglaw.com
PA I.D. No. 33209